

### REMARKS

The applicant has carefully reviewed the application in light of the Office Action dated September 12, 2006. Claims 25, 27-32, 50-57 and 59-67 are pending in the application. Applicant has cancelled claims 59-67 without prejudice or disclaimer and added claims 68-77. Applicants submit that no new matter has been added with these claims.

### Objections and Rejections under 35 U.S.C. §112

The Examiner objects to claim 59 and rejects claims 59-67 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As mentioned above, Applicant has cancelled claims 59-67. Accordingly, Applicant respectfully request withdrawal of the objection and rejections.

### Rejections under 35 U.S.C. §103

The Examiner rejects Claims 59-67 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,072,380 issued to Randelman et al. (hereinafter "*Randelman*"). While Applicant respectfully disagrees with the Examiner's assertions, Applicant has cancelled claims 59-67 to expedite prosecution. Accordingly, Applicant respectfully request withdrawal of these rejections.

### New Claims

Applicant submits that the reference cited in the Section 103 rejections fail to teach or suggest each and every limitation in claims 68-77. For example, claim 68 recites, "determining a hand-held transponder containing customer identification data is within an operable range of a first dispenser, wherein the first fuel dispenser wirelessly communicates directly with the hand-held transponder independent of other dispensers configured to wirelessly communicate with transponder." In particular, claim 68 recites that "the first fuel dispenser wirelessly communicates directly with the hand-held transponder independent of other dispensers

configured to wirelessly communicate with transponder.” Accordingly, Applicant submits that the claimed invention is allowable over the previously cited art.

**Allowable Claims**

Applicants note with appreciation that the Examiner has allowed Claims 25, 27-32, 50, 51 and 53-57.

SUMMARY

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

A separate Petition for Extension of Time is submitted herewith this Response. The petition fee in the amount of \$1020 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.

The Commissioner is also hereby authorized to apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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